

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-1457

FU JING WANG,

Petitioner,

versus

JOHN ASHCROFT, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A77-353-602)

Submitted: November 8, 2004

Decided: December 7, 2004

Before WILKINSON, KING, and GREGORY, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Thomas V. Massucci, New York, New York, for Petitioner. Peter D. Keisler, Assistant Attorney General, M. Jocelyn Lopez Wright, Assistant Director, Eric W. Marsteller, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Fu Jing Wang, a native and citizen of the People's Republic of China, petitions for review of the Board of Immigration Appeals' ("Board") order affirming the immigration judge's decision denying asylum, withholding of removal and withholding under the Convention Against Torture. For the reasons discussed below, we deny the petition for review.

The decision to grant or deny asylum relief is conclusive "unless manifestly contrary to the law and an abuse of discretion." 8 U.S.C. § 1252(b)(4)(D) (2000). We have reviewed the immigration judge's decision and the administrative record and find the record supports the conclusion that Wang failed to establish past persecution or a well founded fear of persecution. See 8 C.F.R. § 1208.13(a) (2004) (stating that the burden of proof is on the alien to establish his eligibility for asylum); INS v. Elias-Zacarias, 502 U.S. 478, 483 (1992). Because the decision in this case is not manifestly contrary to law, we cannot grant the relief Wang seeks.*

Accordingly, we deny the petition for review. We dispense with oral argument because the facts and legal contentions

*Wang abandoned her challenge to the Board's denial of her applications for withholding of removal and withholding under the Convention Against Torture.

are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED